IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.4874 OF 2005

IN

CRIMINAL WRIT PETITION NO. 1627 OF 2005

Infinity Electric Pvt. Ltd. & Ors ...Applicants

Versus

State of Maharashtra & Ors ...Respondents

.....

Mr. S.V. Marwadi i/b R.K. Associates, Advocate for Applicants

Mr. Rajesh More, A.P.P. for State.

.....

CORAM: SMT. V.K. TAHILRAMANI, J.

DATED: 10TH AUGUST, 2005

P. C.:-

1. Heard the learned advocate for the applicants and the learned A.P.P. for the State.

2. A complaint had been filed against the applicants before the learned J.M.F.C. CBD Belapur, Navi Mumbai. The said complaint was numbered as C.C. No. 992 of 2004 and it was mainly under section 420 of I.P.C. The complaint was referred to the police under Section 156(3) of Cr.P.C. and the A.P.M.C. police station registered F.I.R. No. 4 of 2004. This Court by order dated 15.7.2005 quashed the

F.I.R. and the proceedings relating to C.C. No. 992 of 2004.

3. However, during the investigation relating to F.I.R. No. 4 of 2004 certain property belonging to the applicants came to be seized by the police. The applicants are seeking return of the said property. It is stated that though the applicants had approached the concerned police station with the order of this Court dated 15.7.2005, however, the property was not returned to the applicants. The learned A.P.P. on instructions states that the property was not returned to the applicants because it was not lying at the police station at the relevant time but it was kept in the Central Warehouse at Vashi. The learned A.P.P. has also submitted that on the applicants paying rent relating to the Central Warehouse for the period that the goods was kept in the Central Warehouse, the property will be immediately returned to the applicants.

4. The learned advocate for the applicants has submitted that they are willing to pay the rent of the Central Warehouse for the period that their goods were kept in the Central Warehouse. In view of the above, on the applicants depositing the rent with the Central Warehouse, the concerned investigating agency and the Central Warehouse shall return the property

to the applicants.

5. Application is disposed of.

6. Office to issue an authenticated copy of this order to the parties.

*****